89- 1533

Supreme Court, U.S.
FILED
MAR 26 1990
JOSEPH F. SPANIOL, JR.
CLERK

NO._____

IN THE SUPREME COURT

OF THE

UNITED STATES

OCTOBER 1990 TERM

RODNEY F. STICH

Petitioner

UNITED STATES OF AMERICA

Respondent

On Writ of Certiorari To the District Court
Judge Raul Ramirez
Prison Sentence For Exercising Protected Rights
Seeking Relief From Civil, Constitutional and RICO Violations
EMERGENCY STAY
Petitioner's Jurisdictional Statement

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QUESTIONS PRESENTED FOR REVIEW

1. Did the part-time magistrate have the power to sentence petitioner to prison for exercising constitutional and statutory rights, in seeking relief for himself from a pattern of government-funded civil, constitutional and RICO violations?

2. Did the magistrate have the power to sentence petitioner to prison for exercising these rights to seek relief for people perishing in fraud-related air tragedies, especially since petitioner is the only person with the hard evidence and the willingness to confront the powerful conspirators?

3. Did Judge Milton Schwartz have the power to suspend all procedural and substantive due process under the laws and Constitution of the United States, via an injunctive order, barring petitioner from seeking relief for himself from the pattern of continuing civil, constitutional and RICO violations that destroyed his freedoms, his liberties, his business, his well being?

4. Did Judge Schwartz have the power to render an injunctive order, clearly intended to silence petitioner's exposure of hard-core government-funded

corruption arising initially in the world's worst, ongoing, air disaster misconduct, and extending into the federal judiciary?

5. Did Judge Schwartz have the authority to force petitioner to remain silent, barring him from seeking relief, and force petitioner to aid and abet criminal acts resulting in air tragedies and subversive activities?

6. Can an injunctive order be a valid order when it is based upon a sham frivolous label given to an underlying law suit, and upon an unlawful and unconstitutional dismissal of federal causes of action?

7. Was denial of a jury trial, when a jury trial was stipulated in consideration of a trial before a magistrate, a denial of due process?

8. Was denial of a jury trial a Kangaroo Court proceeding, and denial of constitutional safeguards, by forcing petitioner to a non-jury trial before a prosecutor and a federal magistrate, when the Justice Department and the federal judiciary were severely threatened by petitioner's exposure of government corruption?

9. Can a citizen be held in criminal contempt, and imprisoned, for exercising rights that would otherwise be lost? Petitioner was suffering terminal destruction of protected personal and property rights arising from a scheme to silence his exposure of government corruption that he initially uncovered as a government air safety investigator?

10. Does the injunctive statute authorize injunctive orders to protect those committing hard-core civil, constitutional, and RICO violations, and causing great and irreparable harm, while depriving the victim of such outrages the remedies in law and Constitution?

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EXHIBITS:

Appendix A: Order Denying En Banc Rehearing, filed March 5, 1990.

Appendix B: Court of Appeal order upholding lower court sentence, filed December 5, 1989.

Appendix C: Order of magistrate sentencing petitioner to prison for exercising constitutionally protected rights.

OPINIONS BELOW

The Ninth Circuit Court of Appeals affirmed the trial court's decision by order filed December 5, 1989. ((Appendix "A") Petitioner's request for rehearing, en banc, was denied by order filed on March 6, 1990. (Appendix "B") The order of contempt was rendered by part-time magistrate John Moulds on October 4, 1988. Notice of Appeal was filed by petitioner pro se on October 11, 1987. Sentencing occurred on November 4, 1987.

JURISDICTIONAL STATEMENT

The jurisdiction for this Court to hear the petition for writ of certiorari is (a) pursuant to Rules 17.1(a)(c) and 18, of the Rules of the Supreme Court of the United States, to review the order of a U.S. District Court and its affirmance by a Court of Appeals; (b) pursuant to this Court's supervisory responsibilities over the lower federal courts, as articulated in Rules 17.1(a) of the Supreme Court, and by the pattern of outrageous civil, constitutional, and RICO violations that subverts our form of government; (c) pursuant to the responsibility under the civil rights act, and under the *Bivens* doctrine, when a person's civil and constitutional rights are violated by

federal officials; (d) pursuant to responsibilities under criminal statutes to take action to prevent the perpetration of crimes, including misprision of felonies; obstruction of justice; conspiracy; accessory before, during and after the fact; and other criminal statutes. The Court is held to an even higher standard of responsibility in this regard than that of the average citizen, and is long overdue in meeting these responsibilities.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Constitutional and statutory provisions included in this petition are (a) First Amendment right to petition government to seek relief from government-funded civil, constitutional and criminal activities and terminal destruction of constitutionally protected personal and property rights, being sent to prison for exercising these rights; (b) Fifth Amendment right to due process, equal protection, personal and property rights, which are violated on a wholesale scale by federal judges in this Court's area of responsibilities; (c) statutory right to seek relief from federal judges paid and entrusted to uphold the laws and Constitution of the United States.

FEDERAL QUESTIONS ARE SUBSTANTIAL

Imbedded in this petition are issues of grave national importance, including (a) a pattern of corrupt suspension of the laws and Constitution of the United States for a citizen whose "crime" in the eyes of the Ninth Circuit judges is exercising his moral and legal responsibilities to seek relief for those who are continuing to perish in fraud-related air tragedies, and seeking relief from the onslaught of judicially-engineered civil, constitutional and RICO violations; (b) subversion of our form of government by an entire Ninth Circuit Court of Appeals, and numerous district court judges, engaging in a pattern of judicial corruption that has played a key role in the continuation of criminal activities related to a series of air tragedies, and criminal activities by Department of Justice attorneys and federal judges.

The pattern of judicial corruption within this Court's area of moral and legal responsibilities, and the dire effects upon the welfare of the United States, and of its citizens, demands that this Court finally exercise its responsibilities.

2. **Timeliness**

The Ninth Circuit Court of Appeals denied petitioner's petition for rehearing on March 5, 1990. The filing of this petition is timely.

STATEMENT OF THE CASE

The Proceedings Below

This petition focuses on only one segment of a pattern of constitutional, civil, and RICO outrages that were and are intended to destroy petitioner's ability to expose hard-core corruption related to a continuing series of air tragedies, upon which has been superimposed a Justice Department and federal judicial scandal. These acts inflicted great and irreparable harm upon petitioner, and indirectly played an important role in a series of brutal air tragedies and in a pattern of corruption that is subverting our form of government. All of these outrages occurred in the Supreme Court's area of supervisory responsibilities.

This petition focuses on the scheme to imprison petitioner, using petitioner's exercise of constitutionally protected rights (seeking relief from constitutional outrages destroying protected rights) to "justify" his

imprisonment and the other outrages committed against him.

In a pathetic scheme to silence petitioner's exposure activities, a sham law suit was filed against petitioner to strip him of the assets that funded his exposure activities. The scheme commenced with a California law suit holding that petitioner's personal and property rights established in five divorce judgments, and acquired during 22 years of divorced status, were void, on the basis that the 1966 divorce court exercised personal jurisdiction upon petitioner's five months residence, and therefore the judgment was void. This legally preposterous argument and holding was used as the excuse to strip petitioner of his assets and liberties, and thus block his exposure of serious government and judicial corruption.

The California judges held that they would not recognize the tens of thousands of divorce judgments rendered on the basis of residence (as they themselves exercise), without requiring and without determining (to the satisfaction of a California judge two decades later) that petitioner had also acquired the subjective mental thought processes of domicile.

A half century ago the U.S. Supreme Court held this argument to be unconstitutional.[1] Several California statutes, Supreme Court decisions, Rules of Court, barred this holding. Dozens of state and federal statutes and other mandatory law safeguards were openly violated by California judges, remarrying petitioner to a Texas party who conspired with the scheme on the promise of financial benefits. She declared herself divorced in Texas, while her law firm and California judges held her married in California. Using this tactic, the conspiracy destroyed petitioner's liberties, his freedoms, his property rights, making a fraudulent mockery of the laws and Constitution of the United States and of the State of California.

Suffering huge losses, petitioner, in desperation, filed a law suit in the Eastern District of California (86-210 MLS), which was assigned to Judge Milton Schwartz. The law suit sought a declaratory judgement to determine

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[1] *Vanderbilt v. Vanderbilt* (1957) 354 U.S. 416 (requiring the recognition of *ex parte* divorce judgments; *Estin v. Estin* (19)(requiring the recognition of prior divorce judgments); *Sherrer v. Sherrer* (1948) 334 U.S. 343; *Coe v. Coe* (1948) 334 U.S. 378 (requiring the recognition of prior divorce judgments); *Perrin v. Perrin*, 408 F.2d 107 (3rd Cir. 1969) (prohibiting denying recognition to prior judgments when exercised on one day's residence).

under federal law the validity of five divorce judgments and the personal and property rights established in them, which came under attack on unconstitutional grounds after petitioner exercised his constitutional right to unabridged interstate travel. Petitioner sought to establish that petitioner has the same right as the millions of other divorcing people to exercise court jurisdiction on the same residence basis as millions of others have done, and as provided by law in all 50 states. Petitioner sought relief under the Civil Rights Act, on the basis that California judges and the law firm of Friedman, Sloan and Ross conspired to violate large numbers of state and federal laws.

During the first hearing on action 86-210, Judge Schwartz acknowledged the gravity of petitioner's allegations. But then, following a pattern in federal court, Judge Schwartz suddenly placed a frivolous label on the multiple federal causes of action and granted summary judgment to defendants, even though multiple federal causes of action and controverted matters of fact existed, which prevented summary judgment.

On July 30, 1986, Judge Schwartz entered an order

barring petitioner from seeking relief, suspending the rights and protections in the laws and Constitution of the United States. These violations of federally protected rights by a federal judge caused petitioner to suffer the loss of his retirement home, his business, his life's savings, and every other tangible right. The injunctive order violated the criteria for rendering injunctive orders by protecting those committing the hard-core violations, and barring petitioner, suffering great and irreparable harm, from seeking relief. The injunctive order stated in part that petitioner was barred:

> "from filing any action or actions in any United States District Court, or in any state court, until his current state court action ... becomes final and he has exhausted all his state court appellate remedies against defendants ... after the judgment in that state action has become final and all [state] appellate processes have been exhausted, this bar to further actions shall still apply to any and all claims precluded by the doctrines of res judicata and/or collateral estoppel."

Petitioner was thus barred from obtaining federal relief from the only court that could provide the relief. Further, as additional violations occurred, and they did occur, petitioner was permanently barred from seeking relief. At that time petitioner was suffering the loss of his home; his business; his income had been halted; he was repeated-

ly sentenced to jail by California judges in the sham attack upon petitioner's previously adjudicated personal and property rights when petitioner's was barred from generating funds to pay the unlawful money orders. Petitioner was targeted to silence his exposure of the government scandal, and to prevent him defending himself against the judicially-engineered scheme to silence him.

Petitioner appealed Judge Schwartz's summary judgment dismissal and the injunctive order. With federal judicial protection of the civil, constitutional and RICO outrages, the prior civil and constitutional violations then increased in frequency and severity. In desperation, petitioner filed three law suits seeking relief from the outrageous violations that were destroying him and his assets; and seeking relief for those who had yet to perish in the air disasters arising from a base of hard-core corruption.

Each of the law suits raised important federal causes of action, and were filed under authority of statutory law and under the First and Fifth Amendment rights. Petitioner named as defendants in the air disaster related law suits the Federal Aviation Administration, the National

Transportation Safety Board, the U.S. Department of Justice, and Judge Milton Schwartz.

The two segments of government most heavily involved in the criminal coverup, the Justice Department and the federal judiciary through Judge Milton Schwartz, retaliated against petitioner for exercising these protected rights. They charged petitioner with three crimes for reporting the air disaster corruption.

Petitioner's legal counsel, without petitioner's knowledge, stipulated to waiver of a district court trial, on condition that it be a jury trial. Then, at the start of the trial, the Justice Department and part-time magistrate denied petitioner the jury trial that had been stipulated. They sought to justify this denial of a jury trial on the reduction of requested imprisonment to six months. But the stipulation for a jury trial was based upon waiving the right to a trial before a U.S. District Court judge, and was not affected by the length of imprisonment sought.

On October 4, 1987 magistrate Moulds held petitioner guilty of criminal acts for exercising the statutory and constitutional remedies, and for seeking relief for himself and for those who would eventually perish in air tragedies

caused and made possible by the corrupt acts.

Despite petitioner's timely written request for findings of facts and conclusions of law, the magistrate refused to address petitioner's defenses. This tactic was repeated by district judge Raul Ramirez, and again by the Ninth Circuit Court of Appeals. This same tactic was used by the California judges, and in that manner the grotesque judicial violations were less glaring.

On November 4, 1987 Magistrate Moulds sentenced petitioner to six months in prison, constituting probably the first time in world history that an air safety activist was sentenced to prison for seeking to halt the slaughter arising from hard-core air safety corruption. Simultaneously, federal judges seized petitioner's multi-million dollar assets, without a hearing, and in blatant violation of statutory and constitutional protections. The judicial branch was running amuck and subverting our form of government as well as any despot dictator had done in the past. The Supreme Court Justices were repeatedly requested to halt this judicial anarchy, without success.

Petitioner filed a notice of appeal on October 11, 1987. The Ninth Circuit affirmed the holding that a citizen

exercising these rights and responsibilities can be imprisoned. Not a single one of the major defenses raised by petitioner were addressed in the decision, except to state that they were without merit. In that manner the appellate judges avoided the scandalous constitutional outrages inflicted upon petitioner. This decision expanded upon the judicial corruption rampant in the Ninth Circuit, which is subverting our forming of government in a frightening manner.

Petitioner requested an en banc rehearing, and this was denied on March 5, 1990. In this manner the entire Ninth Circuit judges became implicated in one of the biggest judicial scandals ever exposed. In this manner the Ninth Circuit judges made possible the continued slaughter of little children and others who were victimized in the air disasters that arose from the air safety corruption.

ARGUMENT

I. No Federal Judge Has the Authority To Strip A Citizen Of the Rights and Protections Of the Laws and Constitution Of the United States

The injunctive order suspending rights and protections in the laws and Constitution of the United States was outside the jurisdiction of Judge Schwartz, and was a void

order, barring charges of criminal contempt. There is no known statute, case law, constitutional provision, that authorizes a federal judge to suspend the rights and privileges of the laws and constitution of the United States through an injunctive order. Especially when its intent is to criminally obstruct justice, a crime that raises grave concern about the perversion of the laws and Constitution of the United States by the judicial branch of government as now encompassed, and supervised.

Injunctive orders are statutorily intended to protect a party suffering great and irreparable harm. Judge Schwartz perverted the statutory intent by the common judicial practice of reversing the clear intent of law; he protected those committing the harm, and barred the victim from seeking relief from terminal destruction of his personal and property rights. He also barred petitioner from seeking relief for those who would subsequently perish in air disasters caused or made possible by the hard-core corruption identified by petitioner in the underlying complaint.

The statutory authority for injunctive orders is the All Writs Act, 28 U.S.C.A. §§ 1651. The criteria for rendering

injunctive orders also includes the need to protect the public, such as those who would, did, and will continue to perish in fraud related air tragedies.

The basis for injunctive relief in the federal courts has always been irreparable harm and inadequacy of legal remedies. Beacon Theatres, Inc. v. Westover, 359 US 500, 79 S Ct 948, 3 L Ed 2d 988.

The law was intended to protect petitioner, and those who petitioner was trying to protect. But with the aid and comfort of the Justices of the Supreme Court, Judge Schwartz prostituted the law, repeatedly, and innocent people suffered. Petitioner was losing his business, his home, his assets, his income, his liberties, his freedom, by the criminal activities of Judge Schwartz, aided and abetted by the entire Ninth Circuit Court of Appeals, and the Justices of the U.S. Supreme Court. Others suffered, when petitioner's attempts to expose the hard-core air safety corruption was blocked by the judicial conspiracy. People died in brutal fashion that defies description. More will die, as other federal judges and Justices continue the nation's worst judicial scandal.

The reversal of clear statutory intent was universal

during the past five years of federal litigation. Like a hard-core criminal enterprise, federal judges lied and reversed the clear intent of the law to protect the criminals in the air disaster scandal, and those criminals aiding and abetting by coverup and aggressive judicial tactics to destroy the one person determined to protect the public and national interests.

II. The Suspension Of All Relevant Procedural and Substantive Due Process and Equal Protection, and Judicial Anarchy, Is Beyond the Jurisdiction Of Any Federal Judge.

The injunctive order gutted the primary rights and protections upon which our country was founded, and as clearly identified in the laws and Constitution of the United States. The following outrages were blatantly committed, with the support of every level of the federal judiciary:

A. First Amendment rights and protections, including the right to petition government for redress of grievances:

> Congress shall make no law ... prohibiting the free exercise thereof; or abridging the freedom of speech, ... or the right of the people ... to petition the Government for a redress of grievances.

Petitioner was suffering terminal destruction of major

rights. Little children and others continued to be dismembered and cremated in air tragedies arising from the hard-core air safety misconduct. Petitioner petitioned government for relief of these grave harms. And the corrupt judicial branch responded by sentencing petitioner to prison for doing so. There is no known despot dictatorship that has yet stooped to this level as exists within the supervisory responsibilities of the U.S. Supreme Court Justices.

B. Rights and Protections Under the Fifth Amendment

> No person shall be ... deprived of life, liberty, or property, without due process of law;

Due process has become a mockery in the Ninth Circuit courts under the supervisory responsibilities of this Court.

C. Rights and Protections Arising Under the Fourteenth Amendment.

> No States shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Judge Schwartz unlawfully and fraudulently approved, without authority, the gross violations of these rights by

the conspiracy to silence petitioner's exposure of the awesome government scandal. Judge Schwartz then sought to support the injunctive order by protecting the outrages, holding that it was frivolous for any citizen to exercise his rights to defend, financially punished petitioner for defending, and then converted petitioner to the modern day Philip Nolan, The Man Without A Country.

D. Rights and Protections Arising Under the Declaratory Judgment Statute

Congress provided for declaratory judgment to articulate rights arising under federal law and Constitution. Petitioner sought to have his violated federal rights declared in the underlying federal action before Judge Schwartz. (86-210) Judge Schwartz unlawfully dismissed that action, so as to protect the scheme to silence petitioner which now infects the entire judicial branch of the federal government.

E. Rights and Protections Arising Under the Civil Rights Act and Its Federal Counterpart In Bivens, By Denying Petitioner the Right To Relief From These Violations.

Petitioner was entitled to protection of the Civil Rights Act, which was unconscionably violated in the sham California law suit. This right was also violated as Judge

Schwartz dismissed the law suit and protected those committing the civil, constitutional, and RICO violations.

F. Violated rights and protections under the Rico Act.

A pattern of civil, constitutional and RICO violations, committed in the sham California law suit, was alleged, and obvious, in the underlying complaint. Judge Schwartz protected those committing the acts, and deprived petitioner of relief. Never would petitioner receive his day in court for the past violations, and Judge Schwartz barred petitioner from seeking relief from the subsequent violations, and barred petitioner from seeking relief in the brutal air disaster scandal.

G. Violated the Whistle Blower Statutes That Encourage and Protect People Who Report Government and Non-Government Misconduct

Congressional concern to protect whistleblowers is well known, and has been reflected by passage of title 31 U.S.C. 3734, providing for federal district court remedies. So important is the public policy right to report government misconduct (including judicial), that rather then limiting causes of action to public policy exception, the whistleblower statutes extends the traditional causes of action to include intentional infliction of emotional

distress,[2] fraud,[3] invasion of privacy,[4] defamation.[5]

The Federal Aviation Act provides criminal penalties for those who fail to report matters affecting the nation's air safety. Petitioner sought to make such reports, invoking protections under the Civil Right Act, the RICO Act, declaratory judgment statute, and under constitutionally provided rights (28 U.S.C. § 1331). Again, the greatest threat to our liberties, to our form of government, has come from those attorneys and judges paid and entrusted to uphold the law. And these outrages were committed in clear view of the Justices of the U.S. Supreme Court, who share the blame for the tragedies that are related to this case, and the related cases previously brought to this Court's attention.

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[2] Agis v. Howard Johnson Co., 355 N.E.2d 315 (Mass. 1976); Lucas v. Brown & Root, Inc., 736 F.2d 1202 (8th Cir. 1984); Kelly v. Gen. Tel. Co., 136 Cal.App.3d 278, 186 Cal. Rptr. 184 (1982).

[3] DuSesoi v. United Refining Co., 540 F.Supp. 1260 (W.D. Pa. 1982).

[4] Payton v. City of Santa Clara, 183 Cal. Rptr. 17, 132 Cal. App. 3d 152.

[5] Kelly v. Gen. Tel. Co., 136 Cal.App. 3d 278, 186 Cal.Rptr. 184 (1982); Agarwal v. Johnson, 25 Cal. 3d 932, 160 Cal. Rptr. 141 (1979).

H. A Judicial Order Requiring Petitioner To Commit the Crime of Coverup, Leading To Air Tragedies, Cannot Result In Prison For Its Disobedience

No federal judge has the power to force petitioner, or any other citizen to become a party to a crime with such horrible consequences. This argument needs no case law for support. From 1976,[6] when petitioner first brought evidence of the air disaster corruption to this Court's attention, the federal branch of government has obstructive justice in such a way that several thousand deaths in air disasters can be directly linked to the misconduct.

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[6] *Stich v. United States, et al.*, 554 F.2d 1070 (9th Cir.) (table), *cert. denied*, 434 U.S. 920 (1977)(addressed hard-core air safety misconduct, violations of federal air safety laws, threats against government inspectors not to report safety violations and misconduct); *Stich v. National Transportation Safety Board*, 685 F.2d 446 (9th Cir.)(table), *cert. denied*, 459 U.S. 861 (1982))(addressed repeated criminal falsification of official airline accident reports, omitting highly sensitive air safety misconduct, making possible repeated crashes from the same sequestered problems); Amicus curiae brief filed on July 17, 1975, in the Paris DC-10 multidistrict litigation, *Flanagan v. McDonnell Douglas Corporation and United States of America*, Civil Action 74-808-PH, MDL 172, Central District California.)(addressing the long standing FAA misconduct, of which the coverup of the DC-10 cargo door problem was one of repeated instances of tragedy related misconduct); U.S. v. Department of Justice, District of Columbia, Nos. 86-2523, 87-2214, and other actions filed by claimant seeking to expose and correct the powerful and covert air disaster misconduct.

Further, no judge has the right to force a citizen to suffer terminal destruction of constitutionally protected personal and property rights, especially when the brutalities are judicially engineered and carried out.

III. A Void Order Cannot Support A Criminal Contempt Charge

An order that exceeds the judge's jurisdiction, or that violates clear and settled law, or that violates clear constitutional rights and protections, or that are a part of an obvious judicial conspiracy are void orders. Federal judges aren't paid to corrupt the laws and Constitution of the United States. An attempt to enforce a void order by criminal contempt is illegal and void. Re Burrus, 136 US 586, 10 S Ct 850, 34 L Ed 500. If the command is in whole or in part beyond the power of the court, the writ, or so much as is in excess of jurisdiction, is void. Surely a pro se litigant does not have to remind the Ninth Circuit of its multitude of holdings, nor its absence of authority to suspend the laws and Constitution of the United States.

The court cannot punish for any contempt of its unauthorized requirements. Re Rowland, 104 US 604, 26 L Ed 861; the Court has no power to punish for contempt the violation of an injunction which it had no jurisdiction to

grant. Worden v. Searls, 121 US 14, 7 S Ct 814, 30 L Ed 853; orders enjoining a party from suing are void. Re Ayers, 123 US 443, 8 S Ct 104, 31 L Ed 216.

A void judgment is not entitled to the respect accorded a valid adjudication. All proceedings founded on the void judgment are themselves regarded as invalid. A void judgment is regarded as a nullity, and the situation is the same as it would be if there were no judgment. 30A Am Jur Judgments §§ 43, 44, 45.

It is attended by none of the consequences of a valid adjudication. It has no legal or binding force or efficacy for any purpose or at any place. ... It is not entitled to enforcement ... All proceedings founded on the void judgment are themselves regarded as invalid. 30A Am Jur Judgments §§ 44, 45.

In Jordon v. Gilligan, 500 F.2d 701, 710 (6th Cir. 1974) the court held:

> "a void judgment is no judgment at all and is without legal effect. Lubben v. Selective Service System Local Bd. No. 27, 453 F.2d 645 (1st Cir. 1972). A party cannot be precluded from raising the issue of voidness in a direct or collateral attack because of the failure to object prior to, or at the time of, entry of the judgment. ... a court must vacate any judgment entered in excess of its jurisdiction.

In U.S. v. Holtzman, 762 F.2d 720 (9th Cir. 1985), the court held:

> Portion of judgment directing defendant not to import vehicles without first obtaining approval ... was not in the authority of the court.

The injunctive order making petitioner a man without a country was obviously void.

IV The Magistrate Lacked Jurisdiction To Initiate Contempt Proceedings, As the Injunctive Order Was On Appeal

After Judge Schwartz rendered the summary judgement and injunctive order, petitioner filed a timely appeal. (CA No. 86-2698) The filing of that appeal deprived the trial court of jurisdiction over any matter related to the appeal. Even Judge Schwartz, who rendered the injunctive order, admitted his absence of jurisdiction to hear a contempt matter, during a November 13, 1987 hearing. In a subsequent written order filed November 25, 1987, Judge stated in writing his lack of jurisdiction that to hold petitioner in contempt:

> "[this court] lacks jurisdiction to entertain the motion [for contempt] since the underlying judgment in this case rendered by this Court is currently on Appeal. The Ninth Circuit follows the general rule with some exceptions not relevant here, that the filing of a proper and timely Notice of Appeal divests the District Court of jurisdiction over those matters that are on appeal or subject to the appeal. Donovan v. Mesola, 761 F.2d 1411, Ninth Circuit, 1985."

The Justice Department, and federal judges, were so determined to incarcerate petitioner that this violation was simply added to the many earlier violations of due process.

V. A Party Cannot Be Held In Contempt If Compliance With the Injunctive Order Caused Waiver Of Rights

A citizen of the United States cannot be charged with contempt, or a crime, for exercising rights that if not exercised, caused forfeiture of a right and privilege under the laws and Constitution of the United States. Petitioner had a right to file federal actions seeking relief from hard-core criminal, civil, and constitutional violations that were destroying petitioner; and to seek to prevent the deaths of others in air disasters arising out of hard-core air safety corruption.

Title 18 U.S.C.S. Section 401 provides that a good faith, reasonable belief that it was necessary to continue allegedly contemptuous behavior in order to make a record for appeal, or to avoid being charged with waiver of a right, is a defense to criminal contempt. Supporting case law provides that a party cannot be punished for criminal contempt when he exercises rights that would

otherwise be lost. These rights include the filing of actions addressing the air disaster misconduct and the coverup of such misconduct. The rights that would be lost would be the lives of those who perish in such disasters.

The Due Process Violations Prohibit Holding Petitioner In Contempt

The pattern of due process violations by the federal courts in all aspects of this great air disaster, government, and judicial scandal of corruption, prohibits the same federal courts to hold petitioner in contempt. In Los Angeles v. Lyons 103 S Ct 1660, 74 L Ed 2d 675 it was held that an order denying a person equal protection of the law cannot support contempt. There is probably no modern case on record where the denial of due process is as severe and extensive as in the present case and related cases, nor where the national interests have suffered such grave harms. The judicially engineered scheme destroyed a citizen, and then had the audacity to sentence him to prison for seeking relief. This same mentality occurred when petitioner's multi-million dollar estate was corruptly seized, with the protection of the Supreme Court, and then petitioner sentenced to prison for filing oppositions and appeals! Although that case is not now before the

court, that case shows that the judicial branch of government has been made into a vast criminal enterprise, destroying thousands of citizens, while the Supreme Court Justices mouth pious liberty and justice utterances that are made a mockery by the actual judicial conduct.

VII. PETITIONER WAS UNCONSTITUTIONALLY AND CORRUPTLY DENIED THE PROTECTION OF A JURY TRIAL THAT WAS STIPULATED

At petitioner's arraignment for criminal contempt before magistrate Esther Hix, it was stipulated that petitioner would be given a jury trial in exchange for waiver of a trial before a district court judge. This stipulation was brazenly violated by magistrate John Moulds, who denied petitioner this protection.

Petitioner was then prosecuted, and judged, by the two groups that petitioner had charged with criminal acts in petitioner's filing of law suits that became the basis for the criminal charges. Petitioner was then in the preposterous, unconscionably unconstitutional position of being tried by those who risked imprisonment and impeachment if petitioner's exposure actions were not halted. The federal judiciary sought to halt petitioner's exposure actions by his imprisonment (and probably hoped demise

due to his age and heart condition); by unlawfully, unconstitutionally, and corruptly stripping petitioner of his life's assets; and by total due process suspension while simultaneously misusing the power of the judiciary and the federal government to destroy a citizen of the United States.

In addition to massive violations of the First and Fifth Amendment, the federal judiciary then violated the Sixth Amendment right to a fair and impartial trial.

SUMMARY

Incredibly, petitioner has been sentenced to prison for exercising statutory and constitutionally protected rights, trying to halt the slaughter of little children and others in air tragedies riddled with deep-seated government corruption. Federal judges, paid and entrusted to uphold the law, have sentenced petitioner to prison for defending himself against hard-core judicial corruption, and trying to defend himself against terminal destruction of human rights that are recognized in all free countries. The federal judiciary has sunk to the level of common street thugs, sacrificing the welfare of the United States and the lives of little children and others who are no match

for the power of these judicial thugs.

A pattern of hard-core judicial corruption has been shown to exist. The implications and harm to our form of government is beyond comprehension. A scandal of monumental proportions now exists, that touches every level of government, and particularly the judicial branch. Lives have been deliberately sacrificed to protect judicial thugs, and those engaged in the hard-core air safety misconduct.

In this latest series of judicial persecutions, the Supreme Court has abdicated its responsibilities, aiding the perpetration of this national scandal. Petitioner can expect the same after this petition. Petitioner makes the Supreme Court aware of the 656-page book, The Real *Unfriendly Skies—Saga of Corruption*, that documents the many tentacles of this great national scandal. Almost a thousand copies of this book have already been sent to reviewers and interested parties throughout the world, in an attempt to circumvent the news blackout in the United States. Even if this Court assists in the terminal destruction of petitioner's life, liberty, freedoms, even if petitioner should perish, this Court is forever threatened with

the possibility that some courageous person or group will finally blow the whistle.

Leaving the corrupt aspect of this case, petitioner summarizes key legal points:

1. The injunctive order was a scandalous judicial attempt to sequester the western world's worst judicial scandal, in which federal judges sacrificed the lives of American citizens (as well as foreign citizens), protecting criminals directly and indirectly related to the air safety corruption.

2. The injunctive order, as retroactively expanded and applied, had one obvious purpose: Sequester evidence of a major airline crash scandal and cause petitioner to commit the crime of coverup. Illegal orders are outside the jurisdiction of a federal judge.

4. The non-jury trial was an obvious Kangaroo Court, as were the prior federal proceedings. Kangaroo Courts are illegal proceedings, obviously.

5. The litany of unlawful, unconstitutional, and corrupt violations of due process makes the contempt charge a sham.

The contempt charge should be dismissed. The Court

should make a public pronouncement of the probability of a major federal judicial scandal, and order multiple independent prosecutor investigations of the entire sordid affair, insuring enough non-lawyers in the investigation to minimize the probability of a judicial coverup.

A stay of imprisonment should be immediately ordered, the very least that the Court can do after allowing this national scandal to fester and destroy for as long as it has. Further, legal counsel should be appointed to assist petitioner in presenting this petitioner, with its life and death and national consequences, to a conclusion.

Dated: March 22, 1990.

RODNEY F. STICH
Petitioner in pro se

Appendix "A"

Not For Publication

United States Court of Appeals

For the Ninth Circuit

Filed Mar 6, 1990

United States Of America No. 88-1410

Plaintiff-Appellee, D.C. No. CR-87-0124-RAR

v.

Rodney F. Stich, Order

Defendant-Appellant,

Before: Browning, Kozinski, and Rymer, Circuit Judges

The panel has voted to deny the petition for rehearing and to reject the suggestion for a rehearing en banc.

The full court has been advised of the suggestion for en banc rehearing, and no judge of the court has requested a vote on the suggestion for rehearing en banc. Fed R. App. P. 35(b).

The petition for rehearing is denied and the suggestion for a rehearing en banc is rejected.

Appendix "B"

Not For Publication

United States Court Of Appeals

For the Ninth Circuit

United States of America No. 88-1410

Plaintiff-Appellee D.C. No. CR-897-0124-RAR

v.

Rodney F. Stich Memorandum*

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of California
Raul A. Ramirez, District Judge, Presiding

Submitted July 25, 1989**

Before: Browning, Kozinski, and Rymer, Circuit Judges.

Appellant Rodney F. Stich was convicted before a United States magistrate of criminal contempt in violation of 18 U.S.C. § 401, for violating the order issued by Judge Milton L. Schwartz of the United States District Court for the Eastern District of California, enjoining Stich from filing actions in state or federal court against certain named defendants until his pending action in state court became final. The magistrate sentenced Stich to six

months' incarceration and imposed a $50.00 penalty assessment against him.

Stich appealed that conviction to the district court for the Eastern District of California, Judge Raul A. Ramirez presiding. By order dated October 4, 1988, the district court affirmed the judgment of the magistrate in all respects. Stich now appeals that order.

In light of *United States v. Munoz-Flores*, 863 F.2d 654 (9th Cir. 1988), *cert. granted*, 58 U.S.L.W. 3212 (U.S. Oct. 2, 1989) (No. 88-1932), we order the $50.00 penalty assessment vacated. We affirm the remainder of the district court's thorough and well-reasoned order for the reasons stated therein. Additional arguments raised by Stich before this court are entirely without merit.

The sentence is vacated in part; the judgment in other respects is affirmed.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel finds this case appropriate for submission without argument pursuant to 9th Cir. R. 34-4 and Fed. R.App.P. 34(a)

Declaration of Service By Mail

I, Stephanie Stadtler, declare I am over the age of 18 years, and not a party to this action. My place of residence is 43 Diablo Creek Place, Danville, California.

On 3-24-90 I served a copy of this jurisdictional statement in an envelope addressed to each of the persons named below, at the address stated, and deposited the envelope in the United States mail at Alamo, California, with first class postage fully prepaid.

U.S. Attorney, Federal Building, Sacramento, Ca. 95814
U.S. Court of Appeals, Box 547, San Francisco, CA 94501
U.S. Solicitor General, Washington, DC
U.S. District Court, Federal Building, Sacramento, CA 95814

I declare under penalty of perjury that the foregoing is true and correct.

Stephanie Stadtler